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*Director*

September 17, 2008

**Via Email/Electronic Filing**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President, High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036  
E-mail: [hcfilings@hcli.universalservice.org](mailto:hcfilings@hcli.universalservice.org)

Re: Warwick Valley Telephone Company – Certification with Regard  
to the Use of Universal Service Support – Year 2009

CC Docket No. 96-45

Dear Ms. Dortch & Ms. Majcher:

On behalf of the New Jersey Board of Public Utilities (“Board”), enclosed for filing please find a copy of the Board’s recent Order of Approval, submitted in compliance with the certification requirements set forth in 47 C.F.R. § 54.314. Please accept this certification in full satisfaction of the Board’s certification requirement.



The Board's certification and Order of Approval reflects the sworn affidavit of Kenneth Volz, Vice President of Warwick, in which he states the following:

Warwick Valley Telephone Company hereby certifies that it will only use the federal high-cost universal support it receives during 2009 for the provision, maintenance, and upgrading of the facilities and service for which such support is intended, as required pursuant to Section 254(e) of the Telecommunications Act of 1996 and 47 C.F.R. § 54.101 et seq.

I thank you for your attention to this matter.

Very truly yours,

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY

By:   
Kenneth J. Sheehan  
Deputy Attorney General

cc: Anthony Centrella, BPU  
Bruce Gallagher, BPU  
Joyce Stoeberl, Corporate Secretary  
Bradford M. Stern, Esq.



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
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TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF WARWICK )  
VALLEY TELEPHONE COMPANY FOR CERTIFICATION )  
WITH REGARD TO THE USE OF UNIVERSAL SERVICE )  
SUPPORT – YEAR 2009 )

ORDER OF APPROVAL &  
CERTIFICATION

DOCKET NO. TO01090575

(SERVICE LIST ATTACHED)

**BY THE BOARD:**

On June 25, 2008, pursuant to 47 C.F.R. §54.314, Warwick Valley Telephone Company ("Warwick") filed a verified petition with the Board of Public Utilities ("Board") requesting that the Board file a certification with the Federal Communications Commission ("FCC") stating that Warwick's use of Universal Service Support funds ("USS") is consistent with the purposes for which such funds may be used, according to federal law. On July 8, 2008, Warwick sent certification of publication regarding this matter. This certification must be filed by the Board with the FCC by October 1, 2008 in order for Warwick to receive its full allocation of funds under requirements imposed by the FCC.

Warwick is an incumbent local exchange carrier ("ILEC") providing telecommunications services to customers in the Townships of Vernon and West Milford, New Jersey, and the towns of Warwick and Goshen, New York. Warwick provides service to approximately 20,467 access lines, of which approximately 7,511 are in New Jersey. Warwick is a rural telephone company as defined by the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. §§151 et seq.) (hereinafter, the Act). See 47 U.S.C. §153(37). The Board has previously certified Warwick as an eligible telecommunications carrier pursuant to 47 U.S.C. §214(e). See Order of Approval, I/M/O a Petition by Warwick Valley Telephone Company for Designation as an Eligible Telecommunications Carrier Under the Telecommunications Act of 1996, Docket No. TO97080587 (November 25, 1997). Under the Act, certification as an Eligible Telecommunications Carrier is necessary in order to receive federal Universal Service Support. 47 U.S.C. §254(e).

The FCC's rule at 47 C.F.R. §54.314(a) requires that, in order for Warwick to receive USS funds, the Board must file an annual certification with the USS fund administrator and state to the FCC that "all federal high-cost support provided to [Warwick] will be used only for provision, maintenance, and upgrading of facilities and service for which the support is intended."

Pursuant to 47 C.F.R. §54.314(d), the Board's annual certification must be filed with the administrator and the FCC by October 1, 2008, in order for Warwick to receive USS fund support for 2009.

By previous Order, dated August 22, 2007 at Docket No. TO01090575, the Board certified Warwick's use of USS funds in order for Warwick to receive support in 2008. In that Order, the Board stated:

Because state certification is now required on an annual basis, and in order to ensure use of Universal Service Support funds in a manner consistent with federal law, the Board DIRECTS Warwick to continue to submit to the Board, no later than July 1<sup>st</sup> and January 1<sup>st</sup> of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with federal law, including, but not limited to, compliance with the FCC's required uses of Universal Service Support funds. The Board FURTHER DIRECTS Warwick to continue to file its future requests for Board certification no later than July 1<sup>st</sup> of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service territory. Such notice shall be reviewed by Staff prior to its publication.

Warwick has filed the following information:

- A - Cost Support Response Form prepared as of June 24, 2008 (schedules for 2008 pro forma and 2009 projected).
- B - Affidavit of Kenneth Volz, Vice President of Warwick, certifying use of USS funds for 2009 will be for intended purposes under the Act.
- C - A copy of the proof of newspaper publication of this filing.

Having reviewed the petition and the information submitted in support thereof, the Board HEREBY CERTIFIES that Warwick shall use the federal USS it receives during 2009 for the provision, maintenance and upgrading of facilities and service for which such support is intended, as required by Section 254(e) of the Telecommunications Act of 1996 and 47 C.F.R. §54.101 et seq.

Because state certification is now required on an annual basis, and in order to ensure continued use of Universal Service Support funds in a manner consistent with federal law, the Board DIRECTS Warwick to continue to submit to the Board, no later than July 1<sup>st</sup> and January 1<sup>st</sup> of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with federal law, including, but not limited to, compliance with the FCC's required uses of Universal Service Support funds.

The Board FURTHER DIRECTS Warwick to continue to file its future requests for Board certification no later than July 1<sup>st</sup> of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service territory. Such notice shall be reviewed by Staff prior to its publication. In addition, the Board requests that the Attorney General's office provide, to both the Office of the Secretary of the FCC and the Administrator of the high-cost universal service support mechanism, a letter transmitting this Order to serve as compliance with the certification requirements as set forth in 47 C.F.R. §54.315.

DATED: 9/15/08

BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT



  
JOSEPH L. FIORDALISO  
COMMISSIONER

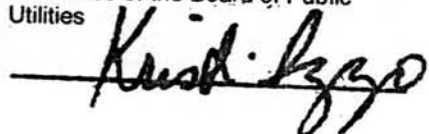
  
NICHOLAS ASSELTA  
COMMISSIONER

  
ELIZABETH RANDALL  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public  
Utilities



IN THE MATTER OF THE PETITION OF WARWICK VALLEY TELEPHONE  
COMPANY FOR CERTIFICATION WITH REGARD TO THE USE OF UNIVERSAL SERVICE  
SUPPORT – YEAR 2009 - DOCKET NO. TO01090575

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